

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ALASKA FOREST ASSOCIATION <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	Case No. 3:25-cv-00046-SLG
v.)	
)	
UNITED STATES DEPARTMENT OF)	
AGRICULTURE <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
_____)	

DECLARATION OF ROBIN D. SILVER, M.D.

I, Robin D. Silver, M.D., hereby declare as follows:

1. I reside in Scottsdale, Arizona. I am a member, senior staff, and one of the original founders of the Center for Biological Diversity (“the Center”). In my capacity at the Center, I am familiar with the Center’s activities and organizational interests related to Alaska in general and the Tongass National Forest in particular.

2. The Center is a nonprofit organization headquartered in Tucson, Arizona. The Center has staff and offices in a number of states, including Alaska. The Center works through science and environmental law to advocate for the protection of endangered, threatened, and rare species and their habitats throughout the United States and abroad.

3. The Center has more than 93,000 active members. The Center’s members reside throughout the United States, including Alaska, as well as other countries. The Center works to ensure the long-term health and viability of animal and plant

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communities across the United States and elsewhere, and to protect the habitat these species need to survive. The Center believes the health and vigor of human societies and the integrity and wildness of the natural environment are closely linked.

4. The Center is dedicated to the preservation, protection, and restoration of biodiversity, native species, ecosystems, and public lands. Among other things, the Center is one of the leading conservation groups advocating for protection of imperiled species. The Center works to protect wild places and their inhabitants. The Center is working to secure a future for animals and plants hovering on the brink of extinction, for the wildlands they need to survive, and by extension for the spiritual welfare of generations to come.

5. As part of our mission, the Center provides oversight of governmental programs, policies, and activities that affect wildlife and endangered species. The Center has been at the forefront of efforts to hold the government accountable for its obligations under the Endangered Species Act, National Environmental Policy Act (NEPA), National Forest Management Act, and other laws protecting wildlife and their habitat. The Center regularly engages in protection efforts and campaigns to ensure our nation's environmental laws are enforced with respect to wildlife and its habitat.

6. The Center produces a wide array of educational and informational materials concerning the status of and threats to wildlife species and their habitats, including in Alaska. These materials are disseminated to the Center's members;

policymakers; local, state, federal and international governmental officials; nonprofit organizations; and interested members of the public.

7. The Center has been actively involved in protecting Alaska's wildlife since the early 1990s. With regard to the Tongass National Forest, in May of 1994 the Center filed a petition to protect the Queen Charlotte goshawk, a species that relies on old-growth forest and is found only in southeast Alaska and coastal British Columbia. Since then, the Center has continued to carefully monitor and advocate for the protection of Tongass old growth and the species that depend on those forests, including the Queen Charlotte goshawk, Pacific marten, spruce grouse, and Alexander Archipelago wolf. The Center also advocates for the protection of marine mammals that occur in the Tongass and the surrounding marine waters. These include Steller sea lions and their designated critical habitat in the Tongass National Forest and the surrounding waters; humpback whales, which have biologically important areas within and near the Tongass; and fin and sperm whales. Logging activities in the Tongass can harm watershed and marine ecosystem health, including through impeding fish passage, increased sedimentation in waterways, and marine habitat degradation from log transfer and storage facilities.

8. As part of its efforts to conserve wildlife on the Tongass, the Center has invested considerable organizational resources into actively monitoring and aggressively advocating for the protection of Tongass wildlands, including old-growth forest and the species that rely on those forests. This effort includes analyzing the adequacy of wildlife management strategies adopted in the 2016 Tongass Land Management Plan and actively

engaging in the ongoing Land Management Plan revision. The Center frequently participates in NEPA processes for decisions affecting Tongass wildlife, wildlands, and the surrounding marine waters in its advocacy work and outreach to members. The Center has repeatedly highlighted in NEPA comments and in public forums the Forest Service's failure to adequately consider and disclose adverse impacts to wildlife and wildlands in the 2016 Tongass Land Management Plan and the timber sales authorized under the plan.

9. For example, the Center, along with other concerned environmental and recreational organizations, submitted comments and filed lawsuits to protect old growth on Prince of Wales Island and Kuiu Island from logging efforts. *Southeast Alaska Conservation Council v. United States Forest Serv.*, 443 F. Supp. 3d 995 (D. Alaska 2020); *Southeast Alaska Conservation Council v. Stewart*, 1:18-cv-00005-HRH (D. Alaska). The Center has also participated in numerous administrative processes and a number of lawsuits to protect the remaining roadless areas in the Tongass. The Center is currently an intervenor-defendant in the ongoing litigation challenging the Roadless Area Conservation Rule's reinstatement in the Tongass. *State of Alaska v. U.S. Dep't of Agriculture et al.* (Nos. 3:23-cv-00203-SLG, 3:23-cv-00204-SLG, 1:23-cv-0010-SLG (consolidated) (D. Alaska)). The Center has also advocated for the protection of Tongass old growth and wildlife in a number of lawsuits that implicate the Tongass Timber Reform Act. *See, e.g., id.; Organized Vill. of Kake v. United States Dep't of Agriculture,*

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795 F.3d 956 (9th Cir. 2015); *Nat. Res. Def. Council v. United States Forest Serv.*, 421 F.3d 797 (9th Cir. 2005).

10. The Center's staff and members use and enjoy the Tongass National Forest, including old-growth forest, in a variety of ways. Those include camping, hiking, skiing, fishing, bird-watching, photography, writing, backpacking, boating, scientific study, and spiritual renewal, quiet and solitude. The Center's staff and members view, photograph, and otherwise enjoy Alexander Archipelago wolves, Queen Charlotte goshawks, Sitka black-tailed deer, martens, black bears, and other wildlife that rely on intact old-growth ecosystems for their persistence. The Center's staff and members derive enjoyment from the wildness and native biological diversity that is present in unlogged old-growth forest. The Center's members and staff rely on the Center to protect their use and enjoyment of the Tongass through the Center's participation in administrative processes, lawsuits and public education relating to the protection of intact forest ecosystems.

11. Should Plaintiffs' lawsuit succeed, the interests of the Center's members and staff in protecting remaining Tongass old-growth forest and the species that rely on those forests would be significantly and irreparably harmed. The interests of the Center and its members are distinct from the interests represented by the Forest Service, which has offered old-growth timber sales in the past and continues to do so.

12. Should the Forest Service offer an old-growth timber sale in the Tongass National Forest, the Center's members and staff would be harmed because the loss of these irreplaceable ancient trees would change and diminish the unique attributes upon

which members' and staff's afore-described uses and enjoyment rely. Loss of old growth would significantly diminish the wildness, quietness, and naturalness of the Tongass, as well as its native biological diversity and the ability of wildlife to persist and interact in natural patterns of distribution and abundance.

13. The Center views the full protection of all remaining old-growth forest in the Tongass as vital to the long-term protection and recovery of wildlife species in Alaska. Protecting the Tongass from environmentally harmful activities, including old-growth timber sales, is directly germane to the Center's purpose and goals. Any old-growth logging in the Tongass would irreversibly harm the Center and its staff and members' interests in protecting these ancient trees and the species that depend on them.

14. In addition to being a founder of the Center, and a semi-retired emergency-room physician, I am also a professional photographer specializing in imperiled wildlife and the habitats required for their survival. I have been a professional photographer for more than three decades. I am a member of the National Press Photographers Association and the Professional Photographers of America. I donate photographic images for educational purposes and for the fundraising benefit of those who endeavor to preserve imperiled wildlife and their habitats. I also sell photographic images for profit. My photographs frequently appear in the press and in magazines locally and nationally.

15. I have visited the Tongass National Forest many times, including the following areas: Prince of Wales Island; areas around the towns of Juneau, Gustavus, Pelican, Tenakee Springs, Petersburg, Ketchikan, Wrangell, Elfin Cove, Klawock,

Hydaberg; throughout Glacier Bay Preserve; on the Chilkat Peninsula; and on Douglas Island, Chichagof Island, Admiralty Island, Baranof Island, Kuiu Island, and Kupreanof Island. I last visited the Tongass in late April and early May of 2025. During my visits to the Tongass, I enjoy wildlife and bird watching, hiking, enjoying the scenery, seeking spiritual and psychic renewal, and taking photographs. My use and enjoyment of these areas, and my ability to make professional wildlife images, are dependent on good environmental quality and preservation of a landscape, including complex old-growth forest, where native wildlife can survive. Old-growth forest supports many of the wildlife species I enjoy seeing and photographing.

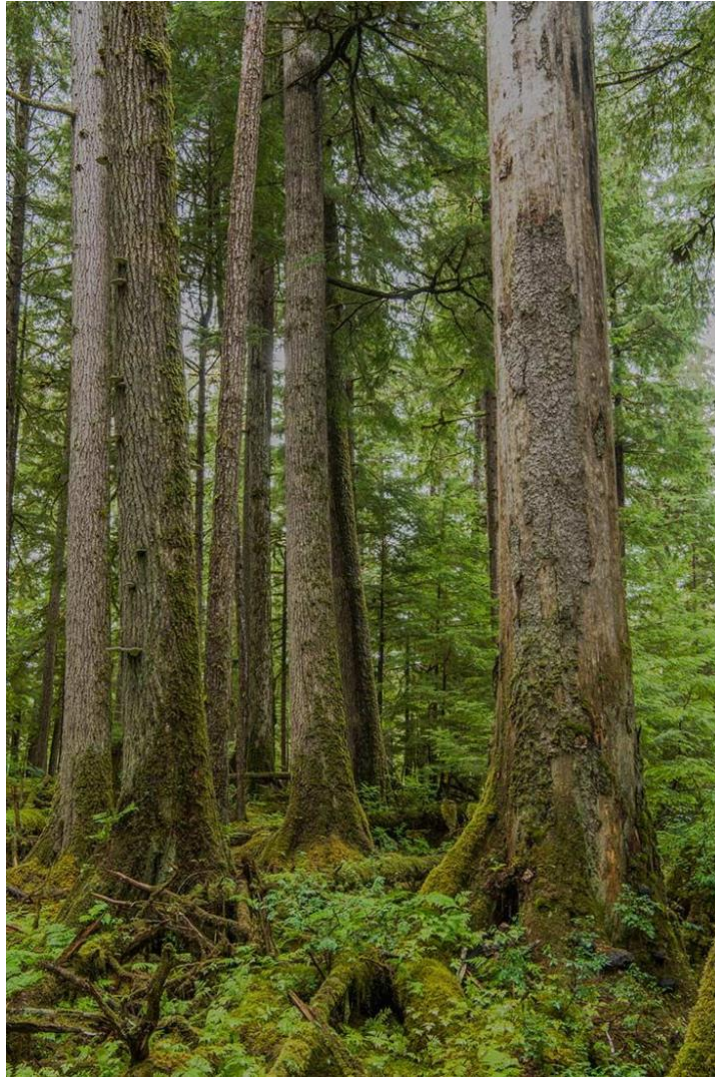
16. I have photographed extensively the wildlife of the Tongass, including, but not limited to Alexander Archipelago wolves, brown and black bears, bald eagles and Sitka black-tailed deer. These species rely on complex, old-growth forests. I also seek solace and spiritual renewal in the wild, humbling, and profoundly alive old-growth forests of the Tongass. By contrast, areas of second-growth or third-growth feel like cemeteries due to the lack of biodiversity among the vegetation and wildlife. Even former old-growth areas in the Tongass that were logged 100 years ago have not recovered.

17. One example of this contrast is Prince of Wales Island, which I have visited multiple times to recreate, seek solace, and photograph wildlife and old growth. Large old-growth trees grow on two basic land formations in southeast Alaska, karst and alluvium. Karst is land that developed on water soluble limestone and marble. The

largest spruce tree forests once found on karst are now gone owing to logging; however, forests of very large western hemlocks and red cedars still survive on the karst lands of Prince of Wales Island. Unfortunately, Prince of Wales has also been heavily logged. Those areas of second and third growth are devastating to visit, knowing they used to host living cathedrals that provided a home for so many species. The small remaining pockets of old growth on Prince of Wales are immensely special to me.



Old-growth forest on Prince of Wales Island. Photo: Robin Silver.



Old-growth forest on Prince of Wales Island. Photo: Robin Silver.

18. I regularly visit the Tongass two to three times per year, and plan to continue to do so for the foreseeable future. Currently, I have plans to return to southeast Alaska and the Tongass National Forest this coming July, again in November, and in April 2026. During my visits, I look forward to photographing wildlife and old-growth forest, and hiking and recreating in the Tongass.

19. If Plaintiffs' lawsuit succeeds and additional old-growth forest in the Tongass National Forest are lost to timber harvest, my interests in photography on the Tongass would be harmed. These harms include destruction of scenery, including old-growth forest, and a reduction of the chances of seeing rare wildlife such as Queen Charlotte goshawk, Alexander Archipelago wolf, and the endemic flying squirrel and ermine. This loss of old-growth forest and species that depend on those forests will result in irreparable harm to my interests in the Tongass. This includes my interests in the preservation of the remaining old-growth forests on Prince of Wales Island, as more logging on the island would destroy what little natural biodiversity is left and make it even more difficult to find solace and wildlife photography opportunities on the island.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Dated: May 19, 2025

By: 
Robin D. Silver, M.D.